

Marina Rules

Section 1. Definitions

Section 2. General Regulations

2.01. Compliance with rules and regulations:

- a. The Harbormaster or his/her designated representative has authority to take such actions as may be necessary to safeguard the public in attendance at the municipal marina, as well as all facilities under his/her control. All persons employed on or using the marina shall cooperate with the harbormaster and his/her designated representatives to enforce these Rules and Regulations.
- b. Any permission granted by the City, directly or indirectly, expressly, or by implication or otherwise, to any person to enter or to use the City or any part thereof, is conditioned upon strict compliance with the Rules and Regulations of the City.
- c. Any permission granted by the City under these Rules and Regulations is conditioned upon the payment of any and all applicable fees and charges established by the City.
- d. Written procedures and directives issued by the Harbormaster from time to time shall be considered as addenda to and have full force and effect as these Rules and Regulations.
- e. All marinas located on City property that are owned or controlled by the City and all persons using or located on such facilities for any reason are subject to these rules.
- f. The City of Clearwater, through the City Manager, has the authority, as established by the Code of Ordinances; to take such action as may be necessary in the handling, policy and management of the public in attendance at the marinas.
- g. The Clearwater Municipal marina shall be operated in accordance with the appropriate Federal and State regulations governing marina management and operations.
- h. All vessels operating from the Clearwater Municipal marina shall be operated in accordance with the applicable Federal and State regulations governing vessel operations.

- i. No commercial operation, or business venture of any kind shall be conducted at the Clearwater Municipal marina unless specifically authorized by the City Manager or designated representative.
- j. The City Manager or designated representative shall have authority to suspend all vessel movements to and from the Municipal marina when conditions might make such operations unsafe. (i.e. hurricane conditions)
- k. All persons involved in any accident on the Municipal marina or in the vicinity, resulting in personal injury or damage to vessels, docks, or seawalls, shall immediately report such accident to the Harbormaster, or designated representative.
- l. All commercial vessels operating from the Municipal marina that are involved in any accident resulting in personal injury or damage to other vessels, docks, or seawalls, shall immediately report such accident to the Harbormaster, or designated representative.

2.02. Other Laws:

- a. All applicable provisions of the laws of the State of Florida and ordinances of the City and/or County now in existence or hereafter promulgated are hereby adopted by reference as part of the Rules and Regulations of the marina.

2.03. Insurance Certificates:

- a. A valid certificate of insurance, or copies of it, shall be deposited at the office of the Harbormaster by all tenants holding a valid lease, contract, or permit executed with the City.
- b. A valid certificate of insurance shall also be deposited at the office of the Harbormaster by any contractor, subcontractor, or construction company functioning on or in marina property. Amounts of liability are to be determined by the City. All policies shall name the marina and the City, its officers, servants, agents and employees as additional insured.

2.04. Damage Inspection

- a. At the earliest opportunity, a damage inspection of any marina facility involved in an accident or incident shall be made by the Harbormaster or his/her designee and the vessel owner or operator to determine the extent of damages to the dock, seawall, or facilities and appurtenances. Damages so sustained will be assessed by the Harbormaster as a claim against the Owner or operator of the vessel.

2.05. Responsibility for Damages:

- a. Any person causing damage to, or destroying, public property of any kind, including buildings, fixtures, or appurtenances, whether through violation of these Rules and Regulations, or through any act or omission, shall be fully liable to the City. Any such damage shall be reported immediately to the Harbormaster.

2.06. Accident Reports:

- a. Any person involved in an accident, whether personal or vessel occurring on the marina property shall make a full report to the Harbormaster within ten days. The report shall include, but not be limited to, the names and addresses of all principals and witnesses, if known, and a statement of the facts.

2.07. Non-vessel Storage of Equipment

- a. Unless otherwise provided for by a lease or other contractual agreement, no person shall use any area of the marina, including buildings, either privately owned or publicly owned, for the storage of cargo or any other property or equipment without the permission of the Harbormaster. If, notwithstanding the above prohibition, a person, firm, or corporation uses such areas for storage without first obtaining such permission, the Harbormaster shall have the authority to order the cargo or any other property removed, or to cause the same to be removed and stored at the expense of the owner or consignee without responsibility or liability therefore.

2.08. Hours of Operation:

- a. Fuel Dock is open from 6:30 am to 6:30 pm everyday except Christmas (Dec 25th)
- b. Office Hours: The main office is open from 8:00 am to 4:30 pm Monday – Friday.

2.09. Security:

- a. The marina provides a security guard from 9:00 pm to 6:00 am daily.
- b. The gates to the main dock will be secured each evening no later than 9:00 pm and as early as 7:00 pm
- c. There are security cameras throughout the marina property. The security camera records are held for 30 days and are then recorded over. If a

tenant has a security issue, a request form can be filled out to review the digital security recording for the time of the incident.

2.10. Liability:

- a. The City assumes no responsibility for loss, injury, or damage to persons or property by reason of fire, theft, vandalism, wind, flood, earthquake, collision, lightning strikes, or acts of God nor does it assume liability for injury to persons while on the marina property.

2.11. Advertising and Display

- a. No person shall post, distribute, or display signs, advertisements, literature, circulars, pictures, sketches, drawings, or other forms of printed or written matter in leased space, or the marina property, or buildings, without the express written permission of the Harbormaster.
- b. No person shall post or display signs, pictures, sketches, drawings, or other forms of printed or written material in public areas at the marina, without the express written permission of the Harbormaster or his/her designee.
- c. No person, for a commercial purpose, shall post, distribute, or display signs, advertisements, circulars, pictures, sketches, or engage in other forms of commercial speech without first complying getting approval from the Harbormaster or his/her designee.
- d. All commercial vessels shall display a sign, which shall give the name of the vessel, owner, captain and type of operation. Land Development Code Section 3-1805T allows for a sign of four square feet at a Marina vessel slip. It also allows for an additional sign of eight square feet for commercial marinas having separately licensed slips. These two signs are designed "Exempt Signs" and do not require a city permit. Small portable signs may be placed on the dock or seawall when the vessel is underway. In port the owner/captain must keep the portable sign on board the vessel.
- e. Upon returning to the marina, the operator may display and dress fish as a service to patrons. Fish may be hung from sign until the end of the day, at which time they are to be removed. Fish may not be left over night. Fish may not be displayed on sidewalk.
- f. Code Enforcement has stipulated that vehicles advertising businesses are currently permitted in the Marina lot if parked in an inconspicuous space away from the roadway.

- g. A television displaying commercial service is considered a moving sign by Code and a potential traffic or pedestrian hazard and therefore prohibited.
- h. Signs carried, waved or otherwise displayed by persons intended to draw attention for commercial purpose are also prohibited. This includes three-dimensional objects that are used as signs.

2.12. Commercial Activities:

- a. Private tenants shall not conduct commercial activities from a privately leased slip.
- b. Feeding the birds is prohibited. All fish remains are to be bagged prior to discarding in compactors in an effort to minimize odor.

Section 3. Personal Conduct:

3.01. Compliance with Signs:

- a. The public shall observe and obey all posted signs, fences, and barricades prohibiting entry upon the marina docks or restricted areas or governing the activities and demeanor of the public while at the marina.

3.02. Use and Enjoyment of marina premises:

- a. No person(s) singularly or in association with others shall by his/her or their conduct or by congregating with others prevent any other person or persons lawfully entitled thereto from the use and enjoyment of the marina and its facilities or any part thereof, or prevent any other person or persons lawfully entitled thereto from passage from place to place, or through entrances, exits or passageways on the marina.
- b. It shall be unlawful for any person to remain in or on any public area, place, or facility at the marina, in such a manner as to hinder or impede the orderly passage in or through or the normal or customary use of such area, place, or facility by persons or vehicles entitled to such passage.
- c. Disorderly conduct, which includes threats to harm people or property of any other vessel owner, operator, its agents, servants, employees, guest, invitees, or marina employees or member of the public by a tenant, his employees or visitors operator, its agents, servants, employees, guest, invitees will be subject to immediate removal from the marina and may be grounds for termination of the lease.

d. Public intoxication, profanity or abusive language directed at anyone by the vessel owner, operator, its agents, servants, employees, guest, invitees will not be tolerated and will be subject to immediate removal from the marina.

e. BOAT OWNER'S RESPONSIBILITY; MAINTENANCE:

- 1) Vessels shall be kept in a seaworthy/operating condition, and shall create neither fire hazard, eyesore, nor sinking hazard.
- 2) If a vessel is observed in an unsafe condition, the owner(s) will be directed by the Marine & Aviation Director or his designee to remove the vessel from the Marina.
- 3) Owner(s) agree to remove the vessel upon notification by the City of an unsafe condition(s) or to be held responsible for all and any damage caused by the vessel to Marina docks, pilings and structures.
- 4) The owner shall keep the vessel properly moored and dry within at all times. Routine maintenance and minor repair necessary for the preservation and seaworthiness of the vessel such as mechanical adjustment, minor painting, leak seals and rot prevention may be performed within the marina. Such repairs are generally considered to be those which:
 - Do not disturb the public peace and tranquility of any person aboard any vessel within the jurisdiction of the marina.
 - Do not contribute to a disorderly or unsightly appearance during the process of repair or maintenance.
 - Are capable of accomplishment with hand tools or certain portable power tools normally carried aboard the vessel.
 - Are confined to the vessel.
 - Do not pollute or put wastes in marina waters.

3.03. Environmental Pollution & Sanitation:

- a. To the maximum extent possible, each person while on the marina property shall conduct his/her activities thereon in such a manner as not to cause littering or any other form of environmental pollution.
- b. No refuse shall be thrown overboard at the marina. Garbage and trash shall be deposited in the dumpsters and trashcans along the dock.
- c. Oil spills shall be reported to the National Response Center and the Harbormaster or his/her designee.

- d. Waste Oil – All waste oil must be placed in the waste oil tank, which is located in the marine service shop area. Waste oil must not be placed in garbage cans, pails or liners or dumped into marina waters. Sewage pump-out facilities are available at the fuel dock. This service is available to all permit holders at no charge.
- e. Water shall not be wasted. The Florida Administrative Code 40D-22 states washing vehicles, cars, boats, boat motors and recreational vehicles may be washed on any day, at any time when necessary, as long as a shut –off nozzle or other water efficient device is used. (Except as water restrictions may be imposed.) All electric, telephone, dock box, and cable will be paid by the slip tenant.
- f. Water usage in the marina shall be limited to the vessels maintenance and up keep only. Washing of personal or business vehicles in the marina is prohibited.

3.04. Animals

- a. No person shall enter any part of the marina with a domestic animal, unless such animal is restrained by a leash or is so confined as to be completely under control.
- b. No person shall feed or do any other act to encourage the congregation of birds or other animals on the marina.
- c. All fish remains shall be bagged prior to depositing in dumpster.
- d. Fish shall not be displayed on the sidewalk.

3.05. Preservation of Property

- a. No person may destroy, injure, deface, or disturb any building, sign, equipment, marker or other structure, tree, flower, lawn, or other property on the marina.
- b. No person shall skateboard, cycle, rollerblade or use other non-human propulsion on the sidewalks, docks, or seawalls within the marina.
- c. No person shall alter, add to, or erect any building, sign or dock on the marina or make any other alterations on the marina without the prior written approval of the Harbormaster.
- d. Any person causing or being responsible for injury, destruction, damage, or disturbance at the marina shall immediately report such incident to the Harbormaster or his/her designee.

3.06. Lost and Found and Abandoned Property

- a. Any person finding lost articles in the public areas at the marina shall immediately deposit them with the marina office. Articles unclaimed by their proper owner within ninety (90) days thereafter shall, upon request, be turned over to the finder in accordance with Chapter 705, Florida Statutes. Nothing in this paragraph shall be construed to deny the right of marina tenants to maintain "lost and found" services for property of their patrons, invitees or employees. Articles to which the Owner or finder is not entitled to lawful possession shall be forfeited to the Authority for disposal in accordance with the provision of applicable state law.
- b. No person shall willfully abandon any personal property on the marina.
- c. Any property, which has been determined by the City to be abandoned, will be removed, stored, and/or disposed of at the Owner's expense and in accordance with appropriate Florida Statutes.

3.07. Alcoholic Beverages and Controlled Substances

- a. Alcoholic beverages are prohibited in the public spaces of the marina.
- b. No person under the influence of alcoholic beverages or drugs shall operate a vessel from or within the marina basin or Clearwater Harbor

3.08. Disorderly Conduct

- a. No person shall commit any disorderly, obscene, or indecent act or commit any nuisance, or abandon any personal property within the marina property.
- b. No person shall throw, shoot, or propel any object in such a manner as to interfere with or endanger the safe operation of any vessel.
- c. No person shall use profane or abusive language or make any threatening gestures, towards other vessel owners, operators, its agents, servants, employees, guests, invitees tenants, marina staff, or other commercial operators or the general public.
- d. No person shall knowingly or willfully make any false statement or report to the City or its authorized representative.
- e. No person shall smoke within 100 feet of any flammable material or in any public building of the marina.

Section 4. Fire and Safety

4.01. General

- a. All persons using the marina shall exercise the utmost care to guard against fire and injury to persons or property.
- b. All applicable City, County State and NFPA codes, and standards and recommended practices of the City now in existence or hereafter promulgated and not in conflict with Operating Directives of the City; are hereby adopted by reference as part of the Rules and Regulations of the Marina. In the event of conflict, NFPA codes shall prevail, as determined by the City Fire Marshall.
- c. Smoking Restrictions: Smoking shall be prohibited and “No Smoking” signs shall be posted in all areas where fuels and other flammable liquids are stored or dispensed, in all covered or enclosed boat storage areas, in battery rooms, and in other such locations.

4.02. Fueling Procedures at Fuel Dock:

- a. Before Fueling:
 - 1) Stop all engines and auxiliaries.
 - 2) Shut off all electricity, open flames, and heat sources.
 - 3) Check bilges for fuel vapors.
 - 4) Extinguish all smoking materials.
 - 5) Close access fittings and openings that could allow fuel vapors to enter the boat’s enclosed spaces.
 - 6) Remove all personnel from the boat except the person handling the fueling hose.
 - 7) Ensure that a proper fire extinguisher is readily accessible and operational at the point of fueling.
- b. During Fueling:
 - 1) Maintain nozzle contact with fill pipe.
 - 2) Attend fuel-filling nozzle at all times.
 - 3) Wipe up spills immediately.
 - 4) Avoid overfilling.
- c. After fueling and before starting engine:
 - 1) Inspect bilges for leakage or fuel odors.
 - 2) Ventilate until odors are removed.
- d. Thunderstorm Activity:
 - 1) Fueling operations shall not be conducted during periods of dangerous thunderstorm activity on the marina, or when thunderstorm activity is observed within five statute miles of the marina.

4.03. Fire while Fueling

- a. When a fire occurs while fueling a vessel, the Fire Department shall be notified immediately, fueling shall be discontinued immediately and all emergency shut off valves will be shut down immediately.

4.04. Storage and Handling of Fuels for Personal Watercraft Liveries.

- a. Gasoline and other flammable liquids stored in drums or cans shall be kept separate from other plant facilities and shall be stored and dispensed in accordance with applicable requirements of NFPA 30A.
- b. "The use of temporary movable tanks or containers used in conjunction with dispensing of fuel into fuel tanks or marine craft on premises not normally accessible to the public. Such installations shall only be made with the approval of the authority having jurisdiction. " *NFPA 1:28-4.8.1*
- c. All fueling of marine craft shall be conducted in the absence of the public.
- d. Conspicuously and legible signs prohibiting smoking shall be posted within sight of all fueling. Signs shall indicate that smoking materials including matches and lighters shall not be used within twenty feet.
- e. One or more listed fire extinguishers with a minimum classification of 40-B:C must be provided within 50 feet of all fueling operations.
- f. The use of approved D.O.T. portable containers for transportation of gas conforms to established regulations. Residual gasoline in D.O.T. containers after fueling of marine craft is considered ancillary.
- g. D.O.T. containers containing gasoline product must be removed from the pier and surrounding area at the close of business daily.
- h. Storage and Handling of Paints, Solvents, and Fiberglass-reinforced plastic. Storage of paints, solvents, and fiberglass resins on docks are strictly prohibited.

4.05.Smoking:

Smoking or carrying lighted smoking materials or striking matches or other incendiary devices shall not be permitted on the fuel dock, nor within 100 feet of the fuel dock, nor during fueling, nor during the loading or unloading of fuel storage tanks, nor within 100 feet of a flammable liquid spill, nor in any area on the marina where smoking is prohibited by the City by means of posted signs.

4.0.6. Storage of materials

- a. No person shall keep or store flammable material or equipment on city docks within the marina.

4.0.7. Hazardous Materials:

- a. No person shall keep or store hazardous materials on city docks within the marina.

Section 5. Nautical

5.01. General

- a. Compliance with Navigation Rules

All vessel activities within the marina shall be conducted in compliance with the current applicable U.S. Coast Guard Navigation Rules, City of Clearwater ordinances, and county and state regulations.

- b. Negligent Operations Prohibited

1) No person shall operate vessels in a careless manner or in disregard of the rights and safety of others.

2) All persons using the marina shall be held liable for any property damage caused by the carelessness or negligence of vessel movements within the marina.

- c. Wake Zones

There are several wake zones within Clearwater Harbor. The marina basin is a no wake zone and all vessels operating in the marina shall be operate accordingly.